

EXHIBIT A

SUMMONS

Attorney(s) Halkovich Law, LLC
 Office Address 266 Hamistown Road, Suite 302
 Town, State, Zip Code Glen Rock, NJ 07452

Telephone Number 201-292-1618

Attorney(s) for Plaintiff Jeffrey M. Halkovich, Esq.

Personal Image, PC Attorney in Fact

Fact for T.R.

Plaintiff(s)

vs.

TECH BRIEFS MEDIA GROUP MEDI

Defendant(s)

**Superior Court of
New Jersey**

Bergen County

Law Division

Docket No: BER-L-1196-20

**CIVIL ACTION
SUMMONS**

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf.

S/ Michelle M. Smith
 Clerk of the Superior Court

DATED: 3/5/20

Name of Defendant to Be Served: TECH BRIEFS MEDIA GROUP MEDICAL PLAN

Address of Defendant to Be Served: 261 Fifth Avenue, NY, NY 10016

Suite 1901

DEGRADO HALKOVICH, LLC

540 Hudson Street, 5th Floor
Hackensack, New Jersey 07601
(201) 678-9007

Attorney(s) For Plaintiff
Jeffrey M. Halkovich, Esq.
BAR ID #: 038522005

PERSONAL IMAGE, PC AS ATTORNEY
IN FACT FOR T.R.

Plaintiff,

v.

TECH BRIEFS MEDIA GROUP MEDICAL
PLAN, SAE INTERNATIONAL COMPANY
MEDICAL PLAN, JOHN DOE
(1-100) a fictitious person who is
presently unknown and XYZ CORP. (1-100),
a fictitious partnership, corporation,
sole proprietorship, limited liability company
and/or self funded health
benefits plan whose identity is presently unknown
Defendant(s).

SUPERIOR COURT OF NEW JERSEY
BERGEN COUNTY
LAW DIVISION

Docket:

CIVIL ACTION

COMPLAINT

The Plaintiff, PERSONAL IMAGE, PC AS ATTORNEY IN FACT FOR T.R., whose principal place of business is 680 Kinderkamack Road, Suite 205, Oradell, NJ 07649, by way of Complaint against the Defendant(s), TECH BRIEFS MEDIA GROUP MEDICAL PLAN, SAEINTERNATIONAL MEDICAL PLAN, JOHN DOE (1-100) and XYZ CORP (1-100) says:

THE PARTIES

1. At all times mentioned hereinafter Plaintiff, PERSONAL IMAGE, PC, is a New Jersey Professional Corporation engaged in the private practice of medicine and surgery with its

principal place of business located in Oradell, Bergen County, New Jersey.

2. At all relevant times, Plaintiff, PERSONAL IMAGE, PC, is the true and lawful Attorney in Fact for T.R. (See Exhibit A.)

3. Upon information and belief and at all times mentioned hereinafter Defendant(s), TECH BRIEFS MEDIA GROUP MEDICAL PLAN, SAE INTERNATIONAL MEDICAL PLAN, JOHN DOE (1-100) and/or XYZ CORP (1-100) is the Plan Sponsor of a self-funded employee welfare benefits plan within the meaning of the Employee Retirement Income Security Act of 1974 (ERISA) which provides its' beneficiaries, member(s) and/or insured(s) certain health and welfare benefits in the State of New Jersey.

4. At all relevant times mentioned hereinafter Defendant(s) TECH BRIEFS MEDIA GROUP MEDICAL PLAN, SAE INTERNATIONAL MEDICAL PLAN, JOHN DOE (1-100) and XYZ CORP (1-100) sponsored a health and welfare benefits Plan which provided certain health and welfare benefits to its insured, T.R.

ANATOMY OF THE CLAIM

5. This dispute arises from Defendant's failure to properly reimburse Plaintiff for the medically necessary, reasonable, and valuable surgical services provided to T.R. from March 31, 2014 and April 1, 2014.

6. On or about March 31, 2014 and April 1, 2014, T.R. was provided by Plaintiff with certain medically necessary, reasonable, and valuable emergency plastics surgery services.

7. T.R. is a beneficiary, member and/or insured of Defendant(s)' Medical Plan and is eligible and entitled to benefits under the terms of same.

8. On or about April 14, 2014, Plaintiff prepared and filed form 1500 claim form(s) which was sent to Defendant for reimbursement of the services provided to T.T. from March 31, 2014 through April 1, 2014.

9. On or about July 31, 2014, Plaintiff engaged in and exhausted the applicable administrative appeals process maintained by Defendant(s)' Plan.

10. To date, Plaintiff has not received proper reimbursement according to the terms and conditions of the member's benefits.

11. At all times mentioned hereinafter, Defendant(s), TECH BRIEFS MEDIA GROUP MEDICAL PLAN, SAE INTERNATIONAL MEDICAL PLAN, JOHN DOE (1-100) and XYZ CORP (1-100) have failed to comply with the terms of its Plan, including but not limited to out of network and emergency services portion of the Defendant's Summary Plan Description (SPD) and 29 CFR 2590.715-2719A(b)(3).

12. Accordingly, Plaintiff brings this action to enforce a Plan benefit pursuant to 29 U.S.C. §1132 (a)(1)(b) in the amount of \$58,418.37.

COUNT 1

ACTION TO ENFORCE A PLAN BENEFIT PURSUANT TO U.S.C. §1132 (a)(1)(b)

13. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1-12 of this Complaint and incorporates same by reference hereto.

14. Section 502 (a)(1)(b) codified at 29 U.S.C. §1132 (a)(1)(b) provides a cause of action for a beneficiary or participant seeking to enforce a benefit under a Plan.

15. Plaintiff has standing to seek the relief requested based on a true and lawful power of attorney executed by T.R. naming Plaintiff its true and lawful attorney in fact.

16. Plaintiff properly made a claim for benefits when it submitted its claim form to Defendant and/or their Third Party Administrator for the services rendered to T.R. from March 31, 2014 through April 1, 2014.

17. Furthermore, Plaintiff exhausted the Defendant(s) Plan's administrative appeal process.

18. Plaintiff is entitled to proper reimbursement for the services rendered to T.R. under the terms of its Plan and 29 CFR 2590.715-2719A(b)(3).

19. Plaintiff alleges that Defendant's action to deny Plaintiff correct reimbursement for the services it provided to T.R. was arbitrary, wrongful, improper, and in violation of the terms of its Plan.

20. As a result, Plaintiff has been damaged and continues to suffer damages in the amount of \$58,418.37.

WHEREFORE, Plaintiff, PERSONAL IMAGE, PC AS ATTORNEY IN FACT FOR T.R., hereby demands judgment for damages against the Defendant(s), TECH BRIEFS MEDIA GROUP MEDICAL PLAN, SAE INTERNATIONAL MEDICAL PLAN, JOHN DOE (1-100) and XYZ CORP (1-100) as follows:

- A. For an Order directing Defendant to pay Plaintiff \$58,418.37;
- B. For an Order directing Defendant to pay Plaintiff all benefits T.R. is entitled to under the terms of its Plan;
- C. For compensatory damages and interest;
- D. For attorneys' fees and costs
- E. For such other relief as the Court may deem just and proper.

DATED: February 19, 2020

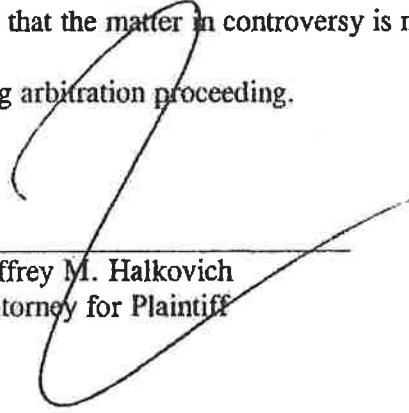
Respectfully submitted,



Jeffrey M. Halkovich
DEGRADO HALKOVICH, LLC
540 Hudson Street, 5th Floor
Hackensack, NJ 07601
(201) 678-9007
jhalkovich@degradolaw.com
*Attorneys for Plaintiff, Personal Image, PC Attorney
in Fact for T.R.*

CERTIFICATION

In accordance with Rule 4:5-1, I hereby certify that the matter in controversy is not the subject of any other action in any Court or of a pending arbitration proceeding.



Jeffrey M. Halkovich
Attorney for Plaintiff

DATED: February 19, 2020

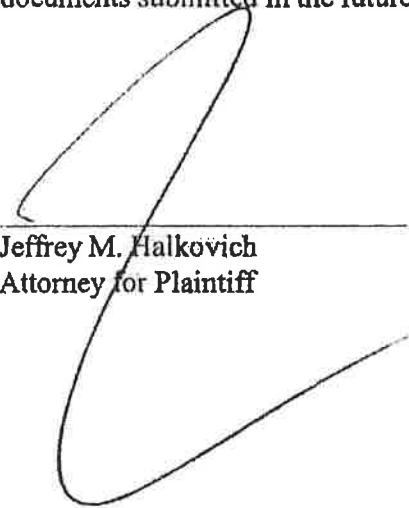
DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4 Plaintiff(s) hereby designate Jeffrey M. Halkovich, Esq. as trial counsel.

CERTIFICATION PURSUANT TO R. 1:38-7

I certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

DATED: February 19, 2020



Jeffrey M. Halkovich
Attorney for Plaintiff

EXHIBIT A

PERSONAL IMAGE, P.C.

Jeffrey L. Jacobs, D.O., FACOS

**ASSIGNMENT OF BENEFITS
&
LTD. POWER OF ATTORNEY**

I irrevocably assign to you, my medical provider, all of my rights and benefits under my insurance contract/**ERISA Plan** for payment for services rendered to me. I authorize you to file insurance claims on my behalf for services rendered to me and this specifically includes filing arbitration/litigation in your name on my behalf against the PIP carrier/health care carrier/**ERISA plan**. I irrevocably authorize you to retain an attorney of your choice on my behalf for collection of your bills. I direct that all reimbursable medical payments go directly to you, my medical provider. I authorize and consent to your acting on my behalf in this regard and in regard to my general health insurance coverage pursuant to the "benefit denial appeals process" as set forth in the NJ Administrative Code.

In the event the insurance carrier/**ERISA plan** responsible for making medical payments in this matter does not accept my assignment, or my assignment is challenged or deemed invalid, I execute this **limited/special power of attorney** and appoint and authorize your collection attorney as my agent and attorney to collect payment for your medical services directly against the insurance carrier/**ERISA plan** in this case, in my name, including filing an arbitration demand or lawsuit. I specifically authorize that attorney to file directly against that carrier in my name or in your name as a medical provider rendering services to me and designate your collection attorney as my attorney in fact. I further grant limited power of attorney to you as my medical provider to receive and collect directly from the insurance carrier/**ERISA plan** money due you for services rendered to me in this matter, and hereby instruct the insurance carrier/**ERISA plan** to pay you directly any monies due you for medical services you rendered to me.

I authorize you and or your attorney to obtain medical information regarding my physical condition from any other health care provider, including hospitals, diagnostic centers, etc., and I specifically authorize such health care provider(s) to release all such information to you about me, including medical reports, X-ray reports, narrative reports, and any other report or information regarding my physical condition.

Consistent with 29 C.F.R. §2560.5031(b)(4), I hereby designate and appoint Personal Image, P.C. as my authorized representative to act for and on my behalf in pursuing any and all benefit claims I may have or may be entitled to, and to appeal any adverse benefit determinations relating to the services Personal Image, P.C. has or will render. As my authorized representative, you may and are authorized to direct how and to whom benefits are to be paid and delivered *and to request any ERISA plan documents.*

Dated: _____


Patient's Signature

Civil Case Information Statement

Case Details: BERGEN | Civil Part Docket# L-001196-20

Case Caption: PERSONAL IMAGE, PC A TTORNEY I VS
TECH BRIEFS ME

Case Initiation Date: 02/19/2020

Attorney Name: JEFFREY M HALKOVICH

Firm Name: DEGRADO HALKOVICH LLC

Address: 540 HUDSON ST 5TH FL

HACKENSACK NJ 07601

Phone: 2016789007

Name of Party: PLAINTIFF : Personal Image, PC Attorney in

Name of Defendant's Primary Insurance Company
(if known): None

Case Type: OTHER INSURANCE CLAIM (INCLUDING
DECLARATORY JUDGMENT ACTIONS)

Document Type: Complaint

Jury Demand: NONE

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

**Do you anticipate adding any parties (arising out of same
transaction or occurrence)?** NO

Are sexual abuse claims alleged? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

**Use this space to alert the court to any special case characteristics that may warrant individual
management or accelerated disposition:**

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO **Consumer Fraud?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

02/19/2020

Dated

/s/ JEFFREY M HALKOVICH

Signed

NJ SUPERIOR COURT LAWYER REFERRAL AND LEGAL SERVICE LIST**ATLANTIC COUNTY:**

Deputy Clerk, Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., 1st Fl.
Atlantic City, NJ 08401
LAWYER REFERRAL
(609) 345-3444
LEGAL SERVICES
(609) 348-4200

ESSEX COUNTY:

Deputy Clerk, Superior Court
Civil Customer Service
Hall of Records, Room 201
465 Dr. Martin Luther King Jr.
Blvd.
Newark, NJ 07102
LAWYER REFERRAL
(973) 622-6204
LEGAL SERVICES
(973) 624-4500

MONMOUTH COUNTY:

Deputy Clerk, Superior Court
Court House
P. O. Box 1269
Freehold, NJ 07728-1269
LAWYER REFERRAL
(732) 431-5544
LEGAL SERVICES
(732) 866-0020

SUSSEX COUNTY:

Deputy Clerk, Superior
Court
Sussex County Judicial
Center
43-47 High Street
Newton, NJ 07860
LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 383-7400

BERGEN COUNTY:

Deputy Clerk, Superior Court
Civil Division, Room 115
Justice Center, 10 Main St.
Hackensack, NJ 07601
LAWYER REFERRAL
(201) 488-0044
LEGAL SERVICES
(201) 487-2166

GLOUCESTER COUNTY:

Deputy Clerk, Superior Court
Civil Case Management Office,
Attn: Intake, First Fl., Court
House
1 North Broad Street
Woodbury, NJ 08096
LAWYER REFERRAL
(856) 848-4589
LEGAL SERVICES
(856) 848-5360

MORRIS COUNTY:

Morris County Courthouse
Civil Division
Washington & Court Streets
P. O. Box 910
Morristown, NJ 07963-0910
LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 285-6911

UNION COUNTY:

Deputy Clerk, Superior
Court
1st Floor, Court House
2 Broad Street
Elizabeth, NJ 07207-
6073
LAWYER REFERRAL
(908) 353-4715
LEGAL SERVICES
(908) 354-4340

BURLINGTON COUNTY:

Deputy Clerk, Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Road
Mt. Holly, NJ 08060
LAWYER REFERRAL
(609) 261-4862
LEGAL SERVICES
(609) 261-1088

HUDSON COUNTY:

Deputy Clerk, Superior Court
Civil Records Dept.
Brennan Court House, 1st Floor
583 Newark Avenue
Jersey City, NJ 07306
LAWYER REFERRAL
(201) 798-2727
LEGAL SERVICES
(201) 792-6363

OCEAN COUNTY:

Deputy Clerk, Superior Court
Court House, Room 121
118 Washington Street
P.O. Box 2191
Toms River, NJ 08754-2191
LAWYER REFERRAL
(732) 240-3666
LEGAL SERVICES
(732) 341-2727

WARREN COUNTY:

Deputy Clerk, Superior
Court
Civil Division, Court
House
413 Second Street
Belvidere, NJ 07823-
1500
LAWYER REFERRAL
(908) 859-4300
LEGAL SERVICES
(908) 475-2010

CAMDEN COUNTY:

Deputy Clerk, Superior Court
Civil Processing Office
Hall of Justice
1st Fl, Suite 150
101 South 5th Street
Camden, NJ 08103
LAWYER REFERRAL
(856) 482-0618
LEGAL SERVICES
(856) 964-2010

HUNTERDON COUNTY:

Deputy Clerk, Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822
LAWYER REFERRAL
(908) 236-6109
LEGAL SERVICES
(908) 782-7979

PASSAIC COUNTY:

Deputy Clerk, Superior Court
Civil Division - Court House
77 Hamilton Street
Paterson, NJ 07505
LAWYER REFERRAL
(973) 278-9223
LEGAL SERVICES
(973) 523-2900

CAPE MAY COUNTY:

Deputy Clerk, Superior Court
9 N. Main Street
Cape May Court House, NJ
08210
LAWYER REFERRAL
(609) 463-0313
LEGAL SERVICES
(609) 465-3001

MERCER COUNTY:

Deputy Clerk, Superior Court
Local Filing Office, Courthouse
175 S. Broad Street
P. O. Box 8068
Trenton, NJ 08650
LAWYER REFERRAL
(609) 585-6200
LEGAL SERVICES
(609) 695-6249

SALEM COUNTY:

Deputy Clerk, Superior Court
Attn: Civil Case Management
Office
92 Market Street
Salem, NJ 08079
LAWYER REFERRAL
(856) 935-5629
LEGAL SERVICES
(856) 691-0494

CUMBERLAND COUNTY:

Deputy Clerk, Superior Court
Civil Case Management Office
60 West Broad Street
P. O. Box 10
Bridgeton, NJ 08302
LAWYER REFERRAL
(856) 696-5550
LEGAL SERVICES
(856) 691-0494

MIDDLESEX COUNTY:

Deputy Clerk, Superior Court
Middlesex Vicinage
Second Floor, Tower
56 Paterson Street
P. O. Box 2633
New Brunswick, NJ 08903-2633
LAWYER REFERRAL
(732) 828-0053
LEGAL SERVICES
(732) 249-7600

SOMERSET COUNTY:

Deputy Clerk, Superior Court
Civil Division Office
40 North Bridge Street
P. O. Box 3000
Somerville, NJ 08876
LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
(908) 231-0840

PERSONAL IMAGE, PC AS ATTORNEY Plaintiff
IN FACT FOR T.R.
vs.
TECH BRIEFS MEDIA GROUP MEDICAL Defendant
PLAN, ET AL

Superior Court of New Jersey
Law Division
Bergen County
Docket Number: BER-L-001196-20

Person to be served (Name & Address):
TECH BRIEFS MEDIA GROUP MEDICAL PLAN
261 FIFTH AVENUE
SUITE 1901
NEW YORK, NY 10016

Attorney:
Jeffrey M. Halkovich, Esq.

AFFIDAVIT OF SERVICE

(For Use by Private Service)



STS2020009147

Cost of Service pursuant to R. 4:4-3(c)

\$ _____

Papers Served: Summons, Complaint, Certification, Designation Of Trial Counsel, Exhibit A, CIS and Lawyers Referral List

Service Data:

Served Successfully ☒ Not Served _____ Date: 3/10/2020 Time: 10:32 am Attempts: _____

_____ Delivered a copy to him / her personally

Name of Person Served and relationship / title:

_____ Left a copy with a competent household member over 14 years of age residing therein

LUKE SCHNIRRENEG

☒ Left a copy with a person authorized to accept service, e.g. managing agent, registered agent, etc.

AGENT/MANAGING AGENT

Description of Person Accepting Service:

Sex: M Age: 40 Height: 5'9" Weight: 179 Skin Color: WHITE Hair Color: BALDING

Comments or Remarks:

Server Data:

Subscribed and Sworn to before me on 3/12/2020
by the affiant who is personally known to me.

NOTARY PUBLIC

LaRon Spencer
Notary Public
New Jersey

My Commission Expires 04-18-2024
No. 50103352

I, Augustus Wilson, was at the time of service a competent adult not having a direct interest in the litigation. I declare under penalty of perjury that the foregoing is true and correct.

Signature of Process Server

Date

3/12/20
STATUS, L.L.C.
PO Box 370
Bayville, NJ 08721
(908) 688-1414
Our Job Serial Number: STS-2020009147
Ref: NA

BERGEN COUNTY COURTHOUSE
SUPERIOR COURT LAW DIV
BERGEN COUNTY JUSTICE CTR RM 415
HACKENSACK NJ 07601-7680

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (201) 221-0700
COURT HOURS 8:30 AM - 4:30 PM

DATE: FEBRUARY 19, 2020
RE: PERSONAL IMAGE, PC A TTORNEY I VS TECH BRIEFS ME
DOCKET: BER L -001196 20

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 1.

DISCOVERY IS 150 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON LISA PEREZ-FRISCIA

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 003
AT: (201) 527-2600.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: JEFFREY M. HALKOVICH
DEGRADO HALKOVICH LLC
540 HUDSON ST 5TH FL
HACKENSACK NJ 07601

ECOURTS